

PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number
20662-07081

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on _____

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name
_____Application Number
09/784,096Filed
February 16, 2001First Named Inventor
Scott StoufferArt Unit
2626Examiner
Jakieda R. Jackson

This request is being filed with a notice of appeal.

I am the

☐ applicant/inventor./Daniel R. Brownstone 46,581/

Signature

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

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Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".

☒ *Total of 1 of 1 forms is submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Scott Allen Stouffer and Geoffrey Hendrey
SERIAL NO.: 09/784,096
FILING DATE: February 16, 2001
TITLE: Method and system for using a voice channel with a data service
CONFIRMATION NO: 3217
EXAMINER: Jakieda R. Jackson
GROUP ART UNIT: 2626
ATTY. DKT. NO.: 20662-07081

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**REMARKS ACCOMPANYING REQUEST FOR PRE-APPEAL BRIEF
CONFERENCE**

Claims 1-11, 13-29, 36-39 and 41-60 are pending in this application and stand rejected. Applicants are on this date filing a Notice of Appeal and intend to pursue an appeal of claims 1-11, 13-29, 36-39, 41-50, and 59-60. Pursuant to O.G. Notice 1296 OG 67, Applicants request a Pre-Appeal Brief Conference. These Remarks are intended to supplement the Request.

The Examiner rejected claims 1-5, 7, 10-11, 13, 15-19, 22, 25-26 and 59 under 35 U.S.C. § 102(e) as being anticipated by Kato et al. (Kato). Applicants have previously described in detail the differences between Kato and the claimed invention. See, e.g., pp. 16-19 of Amendment C, filed December 7, 2005. Rather than restate the

previously-made arguments in their entirety, Applicants here summarize the essential points.

Claim 1 recites a method for obtaining data in a mobile telecommunications network. An application is initiated using a data channel of the telecommunications network. Audible input is then provided over a voice channel of the network. The audible input is converted to application data and provided to the application. Thus, according to the claimed method, audible input provided over a voice channel can be provided to an application, even though the application client and server exchange data over the data channel of the telecommunications network.

The Examiner has failed to demonstrate how Kato anticipates claim 1. Kato describes a vehicle navigation system that provides route guidance and re-routing capabilities based on traffic conditions. See, e.g., col. 2, line 38 – col. 3, line 52 of Kato. Kato includes a “data transmit/receive device” 27 (Fig. 1), which allows the system to communicate with a vehicle information communications system (VICS) or automobile traffic information system (ATIS). The communications method may be FM radio, cellular phone, telephone communication link, or the like (col. 7, lines 17-21). Finally, a user can issue vocal commands to the in-car navigation system (col. 23, line 64 to col. 24, line 4).

Accordingly, read in the light most favorable to the Examiner’s position, Kato describes a system in which a user can use his voice to issue commands to an in-car navigation system. The navigation system then communicates via a telecommunications network with a remote system to obtain updated traffic information, and performs a rerouting function to present the user with new route guidance.

Claim 1 includes the step of “receiving audible input spoken by a user over a voice channel of the mobile telecommunications network.” This step is not taught or suggested by Kato. As noted above, Kato uses a telecommunications network to

exchange data with a remote traffic system. There is no teaching of receiving audible input received over a voice channel of the telecom network. The only use of audible input in Kato is as directions to the in-car navigation system, and this use of audible input does not involve a telecommunications network. To support her rejection, the Examiner has conflated the notion of commanding the system with audible input with the notion of providing audible input to a telecommunications system via a voice channel. Further, because Kato does not teach receiving audible input over a voice channel of a telecommunications network, Kato cannot teach the claimed step of converting that received audible input to application data.

Accordingly, the Examiner's rejection of claim 1 over Kato should be withdrawn. Claims 2-9 and 36-38 depend from claim 1 and are patentable for at least the same reasons as claim 1, and in addition each recites its own patentable features.

Independent claim 15 and its dependent claims 16-24 and 43-46 as well as independent claims 59 and 60 recite features similar to those of claims 1-9 and are patentable for at least the same reasons.

The Examiner's rejection of independent claim 10 should also be withdrawn. Claim 10 recites a method for refining a location using a voice channel of a telecommunications network, in which audible input received over the voice channel is compared against a data file corresponding to a first set of localities and a locality is selected. Based on the selected locality, a second data file is located, and the second data file includes a set of localities geographically contained within the locality selected from the first data file.

As discussed above, Kato does not teach receiving audible input using a voice channel of a telecommunications network, as claimed. Consequently, Kato cannot teach comparing such audible input to a data file to determine a locality, also as claimed. Claim 10 is therefore also patentable over Kato and the Examiner's

rejection should be withdrawn. Dependent claims 11, 13, 14 and 39, 41, 42 are also patentable over Kato for at least the same reasons as claim 10, and in addition each recites its own patentable features. Similarly, independent claim 25 and its dependent claims 26-29 and 47-50 recite features similar to claim 10 and are patentable for at least the same reasons.

Respectfully submitted,
Scott Allen Stouffer *et al*

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